RELEASE OF WM. M. TWEED.

THE DECISION OF THE JUDGES OF THE COURT OF APPEALS.

The Ruling of the Lewer Courts Reversedthe Indictment of Tweed Pronounced an Journaly The Courts can only Administer the Laws as they Find Them.

ALBANY, June 15 .- In the Court of Apraing Judges Allen and Rapello . Court and the orders of the rand Terminer in the Tweed case risoner's discharge. All the Judges or. Judge Miller concurs in the Grover was absent.

tirover was absent.

of Appeals. The Peotile er relaveed, planing in error, assinst
onth, defen and in error. D. vid
deorge F. Comstock, and W. O.
later: B. K. Phelios, District Ata York, and W. H. Peckham for
gree.

The question of gravest imneary, but had respect only to the inferred by statute upon and exer-

ABOVE LEGISLATION. not be abrogated or its efficiency

writ, as it was a wit of he was a susn public stety requires it. in
two emergencies named in the training provision of the Consituaserupt of the former Constitution in the me courts in term time was placed ame regulations as that which had as to teen prescribed for the officers in power had been conferred from a tystatute designed to interfere continuities giverning the exercise of cition or lessen the value, the effect of the importance of the writ itself, espect of the jurisdiction of the Surit and Court of Chancery, was bere ch of legislation. Bringing the interm time, as well as in vacation, as same general rules, removes all the intent was that every court and damp power to ge nat a writ of habeas.

rty except by due pro wit of hab as corpus l gunty and he whom the copt has it has proved against con council but the set need.

THE CUMULATIVE SENTENCE.

NOT APPLICABLE IN THIS CASE.

should be convicted by the vermet of the jury, although the might be embarrassed in his defence and prouthed with the jury, the Court count postiny see that of creat harm could come to the occused by a joinder of

Misappreneurous counts to guard agrinot a possible versure between the allegation and the proof is the sole cause of any misapprehension concerning this matter which may appear in save few judiculi opinious. Secause there may be many counts in an indictment or declaration, and cach on its face must be for a different offeres, it has been observed in an indictment or declaration, and cach on its face must be for a different offeres, it has been chastly assumed the form of the same possible versure of the same possible versure of the first offeres, and places, and constituting so the trian of an indictment on a penni action. The few cases that are to be found giving an apparent sanction to this notion are not sufficient to establish it. The learned connect, with his usual acomen and discrimination, reviews the case is a note to the brief, and shows that his possition is not without foundation, and incline to concur with him in opinion. It is present the constitution of the acquest of patient of the acquest, and can neer be done exceed of the right of the country and protectling term against acquired the foundation was a large and in partial for distinct of the acquest, and can neer be done exceed at the can need to the reported decisions in English and the country and protectling term against and without his versus and the product of the right of the country and protectling term against any with the acquest of the right of the country and protectling term against and without his acquired to the reported decisions in English and the product of the right of the country and protectling term against and without his practice for the right of the country and protectly the term against acquired to the reported decisions in English and the forms and risk of the results of the acquest of the right of the country and protectling term against any with the acquest of the right of the country and protectly the term against acquired and the results of the right o

In Massachusetts there is a similar statute with the additional provision that successive convictions may be had, and limiting the aggregate term of imprisonment under any one indictment (Sint. of 1881, cn. 181). In England various statutes have been enacted from time to time which would not have been necessary had the rule of the common law been as claimed by the learned counsel for the prosecution. Without referring to

The state of the s

difficulty of finding any better ground for such distinct

THE LAW IN THIS STATE.

So far as confession on the trial is concerned, the essential difference between the law of this State and that of Engand, and one which entirely destroys the reason upon which the alleged distinction there depends, is that in this State the right of percentry challenges is secured by statute in cases of misdem-anor as well as in cases of felony. The reason assigned in England for not allowing a prisoner to be tried for several felonies at the same time applies here with equal force to trials for misdemeanors. Had the charge preferred in the several counts of the indictment in the present each constituted felonies as defined to our stutes, and had the court, or receiving the verifiet of the jew convict, and the court, or receiving the verifiet of the jew convict of the present case of the court, or the present case of the court of the court of the court of the present case of the court of the cou THE LAW IN THIS STATE.

THE OFFENCE

whole.

THE INTENT OF THE LAW.

Hers it is seen that the severity of that description of panishment, soiltary confinement, is "ecognized by the Legislature, by providing that want it is inflicted the whole imprisonment shall not exceed thirty day. Can it be conceived that the Legislature intended supposed that in a case like this two hundred and twey to denote so could be coarged and fifty-two conviction had, each of an offence punishable by imprisonment of a county jail and fifty-five successive terms of solitar imprisonment of thirty days each inflicted, a punishment which writers upon this subject have stated regarded as more severe even than the death penalty and one which but few prisoners can long survive. That this doctrine of camu, they punishmen on one indictional could never have entered the intil of the Legislature is made still more clear by reference to the general provisions re attinct missemeanors. Taxe one listance: 2 R. S., 400, see 26, 170, 400 still, main, wound, torture, cornel by beat any horse, main, ex or cattle, sheep, or an other anims, belonging to himself or another, has upon conviction, be adiabate faults of a missement or had been controlled in the subsequence.

Tweed started to his feet. He did not say a word, but it was plainly to be seen from the ex-

Attorney General, plaintiffs attorney, at an office styled the Bureau of Municipal Correction, in charge of Wheeler I. Feecham, 25 Wail attent, room 68, New York city on the State of Wheeler I. Feecham, 25 Wail attent, room 68, New York city on the State of State

Non Davis, J. S. C.

Mr. Tweed is to be released to-dav, but, at his own request, Warden Fox will deliver him up to Deputy-Sheriff McGonagal. He is to be taken from the island to the Sheriff's office, to give the required bail; in default thereof he is to be sent to Ludlow street jail. It is understo-d that Mr. Dewey has already arranged the bail, and that the detention of Mr. Tweed will be only temporare.

that the detention of Mr. Tweed will be only temporary.

Dr. Kitcher, the chief medical officer of Blackwell's Island, in whose department Mr. Iweed has served for nearly twenty months, says that he has not had a more faithful and painst-sking clerk in the hospital than Mr. Tweed, "Why, sir," he said, "I can trust him as I never could trust a cierk before. The records have been kept with scrupulous care and exactitude, and in all my experience with him I have never known him to make an incorrect entry." experience with his make an incorrect entry."

Dr. Kitchen says that Mr. Tweed's health has improved slightly of late, but that it is not yet by any means good.

A CHARGE OF FELONY.

An Effort to be Made to Send William M.

Tweed to State Prison. Mr. Wheeler H. Peckham vibrated between the District Attorney's office and the Sheriff's office yesterday, his brow wrinkled into cloudy portent for Mr. Tweed. The result of his deliberations and consultations was a bench worrant issued by District Attorney Phelps for the arrest of William M. Tweed under an indictthe arrest of William M. Tweed under an indictment found by the Grand Jury of November, 1873. It charges Tweed with fraudulently and feloniously obtaining the signature of Mayor Hall to a warrant for \$123,000 in favor of Andrew J. Garvev. This offence is made a felouy by statute, and its punishment is imprisonment in State Prison for from two to five years.

The bench w trant was given to the Sheriff without any specific orders as to its effect in the matter of precedence of the civil orders of arrest. District A torney Phelps said that his warrant merely directed the production of the prisoner before the Court of Over and Ferminer to blead to the undictment. He said further that it is his present intention to proceed to trial as speedily as possible, as the case for the St-te is ready. He said that the question of precedence had not been considered by him, as the only arrest with which he had anything to do officially was that for the felouy.

Mr. Wheeler H. Peckham added that he had prevailed upon Mr. Phelps to issue the bench warrant. He said that the question of the precedence of the criminal over the civil action was wholly within his power to settle. If he deemed it more politic he should proceed upon the civil suits first. He declined to say whether he had determined upon his course of action.

Major Quincey, Sheriff Coaner's Order of Arrest Clerk, says that the bench warrant was sent to Deputy Sheriff McGonagle with instructions to serve it first and bring the prisoner to this city upon it. He said that the cook this action upon instructions that the criminal action most take precedence. If he gives bail under the indictment, the civil orders of arrest are to be served at once. ment found by the Grand Jury of November,

THE NEVADA'S ESCAPE.

An Iceberg Struck in the Fog After Midnight

The steamship State of Nevada, Capt. A. M. Braes, arrived vesterday from Antwerp, and reported a narrow escape from another ocean disaster. On Thursday night a dense fog surrounded the vessel. The captain and first officer were on the bridge and had a sharp look-out forward. Shortly after midnight, in lat. 4:23, long, 48:20, the steamer was trock on the port bow by the corner of an iceberg, which knocked off the stem, tore off several bedriates, carried away the forestays, and deposited thirty tons of ice on the decks. All the passengers, to the number of 141, were on the deck. Within twelve minutes after the vossel struck the boats were ready to be occupied, but no water was making.

Capt. Braes has been master of a ship for ten vears, and this is the first missap he has ever had. At the time of the accident the sing was under naif speed, and to this fact she owes her escape. ocean disaster. On Thursday night a dense fog

THE VERKLY SUBJUDIANCE This morning contains the following:

The Great Seundal Trial—Mr. Beach's Powerful Plea for the Plantiff—Dissecting the Arguments of Porter and Evarts—Learned Counsel at Long cloud.—The Arguments of Porter formative. Presentation of Titon's Case—Devices of Pymonty Caureh to Induce the Jury—A Rapa in the Forman—Seedes and Inclients; Evidence Lot Given at the Irral—Mr. Receiver Buylay Polson, Important Statement from Francis B. Carnenter—Corroboration of Evidence Given for the Pauliff—Why Mr. Corpenter was not Called to the Wilness Stand; The Twood assembled to the Wilness Stand; The Twood assembled to be Dischared; A Warning to Tramps; Another Awful Marine Disaster—An Ocean Seemiship Another Awful Marine Disaster—An Ocean Seemiship Another Awful Marine Disaster—An Ocean Seemiship Pounleving in an Let He—Great Loss of Life—An THE VERELY SUS published this inpraint con-

Quirk's Irish Tea

Is as important to health as the sunshine. Never be without it, if you would avoid tilious diseases, Wells & Elliott, II Gold st. Price 25 ets. - 4stc.

THE NEWS GIVEN TO TWEED.

Ready to Surrender to a Sheriff who is Writing to Rearrest Him.

William M. Tweed sat in his room yesterday morning, as usual, entering the names of new hospital patients, and the prescriptions ordered for oid ones. He leaned over his desk apparently absorbed in his work, and seemed to have no interest in anything tevond it. But when the door opened and Mr. Foster Dewey.

A Profitable Investment,—The Wilson shuttle Sewing Machine combines in a more perfect decree than any other the requirements of a first-class machine. This to the instead of the thousands of families who are using them, and its success is unprecedented in the history of sewing machines. It is sold on easy mountily payments at \$27\$ and \$29\$ Broadway, New York; 13 Fourth street, Brooking, E. D.; 4 Newark avenue, Jercey City; 764 Eighth avenue; and at Macv's, New York. This Company want a few more good agent.—Adde.

Atlantic and Pacific pfd 1514 1516 1514

BANKING AND FINANCIAL.

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MARINE INTELLIGENCE.

Sun dees.... 4 28 Sun ets..... 7 32: Moon sets. 2 23 Moon sets. 2 34 Moon sets. 2 7 32: Moon sets. 2 7 40 Moon sets. 2 7 40

Arrived -TUNSDAY, June 15. Steamship Isane Beil, Richmond, City Point, and Norfolk, mase, and pass, Steamship Franconia, Portland, mdse, and pass, Steamship Nereds, Boston, mdse, and pass, Stap St. Petersburg, Tomeer, in ballast, Bark Rasso, L. verpod, mdse, Bark Tempiar, Messina, fruit, Aso the dath river and contrals vessels.

Susiness Hotices. Suffered with Neuralgia to 32 years; could get no relect. He to less romedy lobilds of AMMONIA, drove away thus ferrious. Hey, WM. P. CORBITT, Chairman Methodist Charch Extension. Sold by all cruggists. Depot, 451 oth av., New York. The Hat of the Period, the delight of the refiel and intelligint, and the especial bride of the methodist. Is NOVS dashingly elegant. "Alasses

refi el and intel ig nt, and the especial pride of the metropoits, is KNOX'S dashipriy elegant "Alasa Cassimery" proemable at 202 Broadway and in the Fifth Avenue Hotel. The Hatter has also a salend variety of Straw Hats, deserving general attention.

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MARRIED.

DIED.

BROWNING.—In Jersey City, on Monday, June 14, Linzie Aiken, wife of Thes. M. Browning.

Funerally-day, at 3 o'cloca P. M.
Citton AN.—On Monday, June 14, Linzie Aiken, wife of Thes. M. Browning.

Funerally-day, at 3 o'cloca P. M.
Citton AN.—On Monday, June 14, Mary Cronan, believed wife of Daniel Cronan, and daugater of the late Waiter and Mary Long, agendly verse.

The relatives and frients of the family are respectfully invited to attend the funeral on Wednesday, June 10, at 2 o'clock, from her late residence, 500 West 47th, M.

Fikely.—Suriden'y, June 14, Louis Frey, aged 58 years. The relatives and frients of the family are respectfully invited to attend the funeral troub his late residence, 8 cannon 8t, on Dursday, June 17, at 15q P. M., without further invitation.

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